

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 ELENA L. ALMANZO
Deputy Attorney General
4 State Bar No. 131058
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-5524
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **STATE BOARD OF OPTOMETRY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. CC-2008-189

13 **LARRANCE EDWIN LARSON**

14 **1115 East Bidwell, Suite 124**
Folsom, CA 95630
Optometry License No. 6725

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Mona Maggio (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Officer of the State Board of Optometry, Department of Consumer Affairs.

21 2. On or about September 15, 1979, the State Board of Optometry issued Optometry
22 License Number 6725 to Larrance Edwin Larson (Respondent). The Optometry License was in
23 full force and effect at all times relevant to the charges brought herein and will expire on October
24 31, 2013 unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the State Board of Optometry (Board), Department
27 of Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code unless otherwise indicated.

1 4. Section 3041.1 of the Code states: "With respect to the practices set forth in
2 subdivisions (b), (d), and (e) of Section 3041, optometrists diagnosing or treating eye disease
3 shall be held to the same standard of care to which physicians and surgeons and osteopathic
4 physicians and surgeons are held."

5 5. Section 3110 of the Code states:

6 "The board may take action against any licensee who is charged with unprofessional
7 conduct, and may deny an application for a license if the applicant has committed unprofessional
8 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
9 limited to, the following:

10 "(b) Gross negligence.

11 "(e) The commission of fraud, misrepresentation, or any act involving dishonesty or
12 corruption, that is substantially related to the qualifications, functions, or duties of an optometrist.

13 "(q) The failure to maintain adequate and accurate records relating to the provision of
14 services to his or her patients.

15 "(y) Failure to refer a patient to an appropriate physician in either of the following
16 circumstances:

17 "(1) Where an examination of the eyes indicates a substantial likelihood of any pathology
18 that requires the attention of that physician.

19 "(2) As required by subdivision (c) of Section 3041."

20 6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
21 administrative law judge to direct a licensee found to have committed a violation or violations of
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case.

24 7. Title 16, California Code of Regulations section 1510 provides:

25 "Inefficiency in the profession is indicated by the failure to use, or the lack of proficiency in
26 the use of the ophthalmoscope, the retinoscope, the ophthalmometer (or keratometer), tonometer,
27 biomicroscope, any one of the modern refracting instruments such as the phoropter, refractor,
28 etc., or the phorometer-trial frame containing phoria and duction measuring elements or a

1 multicelled trial frame, trial lenses, and prisms, in the conduct of an ocular examination; the
2 failure to make and keep an accurate record of findings; lack of familiarity with, or neglect to use,
3 a tangent screen or perimeter or campimeter; and the failure to make a careful record of the
4 findings when the need of the information these instruments afford is definitely indicated."

5 FIRST CAUSE FOR DISCIPLINE

6 8. Respondent has subjected his license to discipline under section 3110 and Title 16,
7 California Code of Regulations, section 1510 in that when respondent treated patient D.S., he was
8 guilty of gross negligence and unprofessional conduct in treating said patient as follows:

9 A. On March 13, 2007, Respondent treated patient D.S. for an emergency
10 examination. Patient D. S. reported seeing floaters and flashers, "first noticed this morning upon
11 awakening." She further reported that, "These symptoms are annoying and distracting."
12 Additionally, she noticed "curtain--like in her left eye." Respondent utilized an Optomap¹ in his
13 examination of D.S..

14 B. On May 14, 2007. Respondent saw patient D.S. for an office visit in which she
15 complained that she noticed a blur and curtain or drape on her left eye along with "a lot of black
16 floaters." Respondent utilized an Optos or Optomap in his examination of D.S.

17 C. Respondent failed to perform a dilated fundus examination utilizing binocular
18 indirect ophthalmoscopy when D.S. described a persistent symptom of not being able to see out
19 of the top portion of her left eye. Said failure to perform a dilated fundus examination by
20 binocular indirect ophthalmoscopy constitutes gross negligence and/or incompetence in the
21 practice of optometry.

22 D. Respondent failed to maintain adequate and accurate records in that he failed to
23 retain a copy of the Optos or Optomap images taken on May 14, 2007. Said failure constitutes
24 gross negligence and unprofessional conduct.

25
26 ¹ Optos or Optomap is a camera device that noninvasively generates an instantaneous,
27 ultra-wide field digital image of the retina. The Optos Optomap device affords a view of
28 approximately 200 degrees of the posterior segment of the eye. As such, it does not afford a view
of the entire peripheral retina or the vitreous base where retinal tears often occur.

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